

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ARIUS HOPKINS,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #  
DATE FILED: 12-11-2023

23-CV-10667 (LAK)

[17-CR-791 (LAK)]

ORDER DIRECTING ORIGINAL  
SIGNATURE

LEWIS A. KAPLAN, United States District Judge:

Movant, appearing *pro se*, brings this motion seeking to vacate, set aside, or correct his sentence in *United States v. Melendez*, ECF 1:17-CR-0791-04, 225 (S.D.N.Y. Nov. 9, 2020), pursuant to 28 U.S.C. §2255, but he submitted the motion without a signature. Rule 11(a) of the Federal Rules of Civil Procedure provides that “[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name – or by a party personally if the party is unrepresented.” *See also* Local Civil Rule 11.1(a). The Supreme Court has interpreted Rule 11(a) to require “as it did in John Hancock’s day, a name handwritten (or a mark handplaced).” *Becker v. Montgomery*, 532 U.S. 757, 764 (2001).

Movant is therefore directed to resubmit the signature page of the motion with an original signature to the court within thirty days of the date of this order. A copy of the signature page is attached to this order.

No answer shall be required at this time. If Movant complies with this order, the case shall proceed in accordance with the procedures of the Clerk’s Office. If Movant fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an

appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: December 11, 2023  
New York, NY

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan", written over a horizontal line.

LEWIS A. KAPLAN  
United States District Judge

AO 243 (Rev. 09/17)

Therefore, movant asks that the Court grant the following relief:

Vacatur of my sentence or a hearing on my claims. I also ask this Court to appoint a new attorney for me so that I can be represented for proceedings/filings related to 28 USC Section 2255. I had CJA representation in my criminal case/appeal.

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or any other relief to which movant may be entitled.

\_\_\_\_\_  
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on 12/5/2023  
(month, date, year)

Executed (signed) on \_\_\_\_\_ (date)

\_\_\_\_\_  
Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.